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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,105	10/04/2001	Ann Burchell	350013-76	4877

7590 06/16/2003

Attn: Michael B. Farber, Esq.  
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EXAMINER

COOK, LISA V

ART UNIT

PAPER NUMBER

1641

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Paper No.

## Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 6-2-03 under the voluntary revised amendment practice guidelines<sup>1</sup>, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☒ 2. The listing of claims does not include the text of all claims currently under examination.
- ☒ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: \_\_\_\_\_

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[ Signed by Team Leader ]

Team Leader

<sup>1</sup> For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprc.pdf>



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[ Signed by Team Leader ]

Team Leader

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Art Unit: 1641

*Response to Amendment*

I. The reply filed on 6/2/03 in paper #13 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All the claims have not been included in the instant response. The follow list indicates the required amendment format:

If applicants attempt to comply with the revised amendment format, the amendment should include:

1. Each amendment section starting on a separate sheet
2. A separate "clean" version of a currently amended paragraph or claim is NO LONGER REQUIRED (except for a substitute specification – see No. 5 below)
3. If the amendment adds, changes, or deletes any claim, a listing of all claims that are, or were, in the application, as follows:
  - All claims listed in ascending numerical order
  - The text of all claims under examination; no text for "canceled" or "withdrawn" claims
  - A status identifier for each claim in parentheses after claim number, (for example, "original" or "currently amended")
  - All "currently amended" claims should have markings (strikethrough and underlining suggested)
  - Grouping of consecutive canceled or withdrawn claims permitted
4. Amendments to the specification by marked-up replacement paragraphs or sections only - no clean replacement paragraph or section is required
  - Note, however, that for substitute specifications rule 1.125 continues to require a clean and marked-up copy
5. IF APPLICANT SUBMITS A CLEAN VERSION AND A MARKED-UP VERSION, THE AMENDMENT SHOULD BE PROCESSED UNDER CURRENT RULE 1.121 REQUIREMENTS

Art Unit: 1641

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

II. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1641 Fax number is (703) 308-4242, which is able to receive transmissions 24 hours/day, 7 days/week.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa V. Cook whose telephone number is (703) 305-0808. The examiner can normally be reached on Monday-Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (703) 305-3399.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.




Lisa V. Cook

CM1-7B17

(703) 305-0808

6/10/03



LONG V. LE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

05/13/03